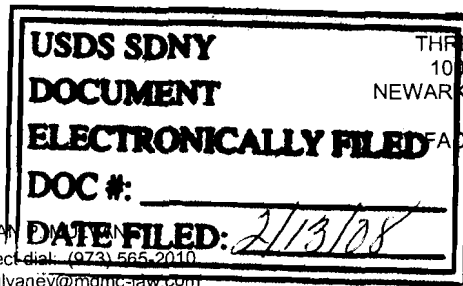
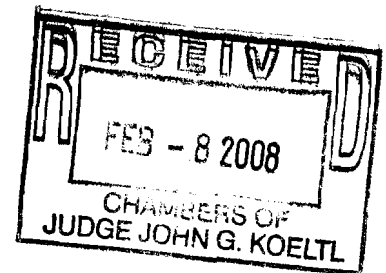


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February 7, 2008

**VIA FEDERAL EXPRESS**

Hon. John G. Koeltl, U.S.D.J.  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

ADJOURNED TO FRIDAY,  
FEBRUARY 15, 2008 AT 3:00PM  
SO ORDERED.  
2/11/08 [Signature] G/Gels  
J S D J

Re: Penrod Management Group, Inc. v. Stewart's Mobile Concepts, Ltd.  
Civil Action No.: 07-10649

Dear Judge Koeltl:

This firm represents Defendant-Respondent, Stewart's Mobile Concepts, Ltd. ("Defendant-Respondent"), in the matter referenced above. We write with the consent of counsel for Plaintiff-Petitioner, Penrod Management Group, Inc. ("Plaintiff-Petitioner"), to request that the conference scheduled for Thursday, February 14, 2008, at 10:30 A.M. be rescheduled for the reasons set forth below. Counsel for the parties have discussed the adjournment and have agreed that, with the Court's approval, the conference can proceed on the following mutually convenient dates: either on February 13<sup>th</sup>; the afternoon of February 15<sup>th</sup>; the afternoon of February 27<sup>th</sup>; February 28<sup>th</sup>; or February 29<sup>th</sup>.

After receiving the voicemail from Your Honor's Courtroom Deputy on Friday evening, I contacted and left a message with chambers requesting that the conference be adjourned for the reasons set forth herein. I respectfully reiterate my request to reschedule the February 14, 2008, conference because my father, James M. Mulvaney, Esq., has an appointment with Leonard N. Girardi, M.D. of New York-Presbyterian University Hospital of Columbia and Cornell, Weill Cornell Medical College, on February 14, 2008, at 12:30 P.M. The appointment is a follow-up to review his progress after undergoing a triple bypass on January 22, 2008, and to determine how quickly he may resume chemotherapy treatment with Raymond L. Comenzo, M.D. at Memorial Sloan-Kettering Cancer Center and proceed to a stem cell transplant. Because my father is prohibited from driving for approximately eight weeks after the bypass procedure, I must provide him with transportation from Basking Ridge, New Jersey to Weill Cornell

**McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP**

Hon. John G. Koeltl, U.S.D.J.  
February 7, 2008  
Page 2

College for the appointment, which means that we should leave Basking Ridge between 10:30 and 11:00 A.M. to assure that we arrive for the appointment on time.

Counsel for the parties also respectfully request clarification about the conference because we are unsure if the conference is the actual hearing on Plaintiff-Petitioner's Order to Show Cause, or a conference to informally discuss, among other things, the issues raised in the parties' papers and to set a formal hearing date. I will naturally make myself available by telephone on February 14, 2008, to accommodate the Court's schedule, but believe that my appearance may be necessary if the conference is the actual hearing on Plaintiff-Petitioner's application.

Finally, I have not electronically filed this letter because it contains personally and professionally sensitive information. To date, the information set forth herein has been disclosed to only a select few in and outside of the firm, and now only because of the conflict, formally to counsel for Plaintiff-Petitioner and the Court. I therefore respectfully request that the Court not electronically file this letter. If the Court requires a formal motion to seal, then I shall expeditiously prepare and file the appropriate papers seeking to seal only certain sentences of the second paragraph of this letter in an effort to provide a less restrictive alternative to a blanket seal of the entire letter to comply with the jurisprudence governing the sealing of documents and the right of access afforded to persons pursuant to the First Amendment.

I thank the Court and counsel for Plaintiff-Petitioner for their courtesies and understanding. We respectfully await direction and instruction from the Court. Thank you.

Respectfully submitted,

McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

A handwritten signature in black ink, reading "Ryan P. Mulvaney" with a stylized flourish at the end.

RYAN P. MULVANEY

cc: James V. Marks, Esq. (via email)  
Christine Tramontano, Esq. (via email)  
Richard S. Mills, Esq. (via email)